IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 24TH APRIL 2007 / 4TH VAISAKHA 1929

WP(C).No. 13511 of 2007(H)

PETITIONER:

RAJU.T.T., PALAZHI THACHAMPARAMBIL
VEETTIL, PALAZHI P.O., THRISSUR.

BY ADV. SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
PERAMANGALAM.

2. V.CHANDRASEKHARAN NAIR,
VADAKKUMCHERRY HOUSE,
KAIPARAMBA P.O., PUTHOOR,
THRISSUR.

3. T.RAGHUNATHAN, THIRUTHIKADU,
P.O.MATTAM, THRISSUR.

4. MANOJ.S., PATHIYAMPARAMBIL HOUSE,
ALOOR P.O., MATTAM, THRISSUR.

BY ADV. SRI. SANDESH RAJA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 13511/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: TRUE COPY OF PERMIT DATED 09.04.2007 ISSUED BY THE GEOLOGIST, THRISSUR.

EXT. P2: TRUE COPY OF REQUEST DATED 10.04.2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

S. SIRI JAGAN & K.R. UDAYABHANU, JJ

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W.P.(C) NO. 13511 OF 2007

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Dated this the 24th day of April 2007

JUDGMENT

Siri Jagan,J

The petitioner extracted clay on the basis of Ext.P1 Mining Permit issued to him under the Kerala Minor Mineral Concession Rules. The complaint of the petitioner is that respondents 2 to 4 are obstructing the mining activities which are being done strictly in accordance with Ext.P1-permit. The respondents 2 to 4 appears through counsel and contest the writ petition. Although they would assert that they are not in any way obstructing the petitioner in his mining activities, they would submit that the petitioner is conducting mining activities without complying with the conditions in Ext.P1. They would submit that they have approached the Panchayat and the Revenue Divisional Officer against the illegal activities of the petitioner in the matter of extracting clay.

2. After hearing both sides, we are of the opinion that although the respondents 2 to 4 have a right to approach the appropriate authorities to point out any illegality committed by the petitioner if the petitioner is conducting mining activities against the Rules, they have no right to obstruct the petitioner from exercising his right under Ext.P1- permit. In the above circumstances, recording the submission of respondents 2 to 4 that they are not obstructing the petitioner in the mining of clay as per Ext.P1, we direct the 1st respondent to afford adequate police protection to the petitioner to conduct mining activities as per Ext.P1, if the petitioner is conducting the mining activities in accordance with Ext.P1 permit issued to him and the rules governing such permit as per the current permit or as per the renewed permit, if the petitioner gets the same renewed after its expiry. The Sub Inspector, if necessary, may get assistance from the concerned Geologist to ensure that the petitioner conducts the mining strictly in accordance with Ext. P1.

3. The Writ Petition is disposed of as above

This judgment shall not stand in the way of any authority either under the Kerala Mining and Mineral Concession Rules or the Kerala Panchayat Raj Act taking any action if they find any illegal activity by the petitioner in the matter of mining clay.

K.R. UDAYABHANU, JUDGE.

S. SIRI JAGAN, JUGE.

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